

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

STATE OF MISSOURI,)	No. ED102138
)	
Respondent,)	Appeal from the Circuit Court of
)	the City of St. Louis
vs.)	1222-CR06702-01
)	
RONALD WARD,)	Honorable Thomas C. Grady
)	
Appellant.)	Filed: March 29, 2016

Ronald Ward appeals his convictions following a jury trial in the Circuit Court of the City of St. Louis of four counts of first-degree statutory sodomy. In his sole point on appeal, Ward contends that the trial court erred by refusing to instruct the jury on first-degree sexual misconduct as a lesser included offense of first-degree statutory sodomy. We affirm because first-degree sexual misconduct as defined by section 566.090 is *not* a lesser included offense of first-degree statutory sodomy.

AFFIRMED.

DIVISION THREE HOLDS: The trial court did not err in refusing to instruct the jury on first-degree sexual misconduct because it is not a lesser included offense of first-degree statutory sodomy.

Opinion by: James M. Dowd, J.

Robert M. Clayton III, P.J., Lawrence E. Mooney, J. concur

Attorney for Appellant: Timothy Forneris

Attorney for Respondent: Shaun J. Mackelprang

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
